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March 7, 2018

Honorable John F. Keenan
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *City of New York v. BP P.L.C. et al.*, Case No. 18-cv-182-JFK

Dear Judge Keenan:

Counsel for Defendants BP p.l.c. (“BP”) and Royal Dutch Shell plc (“RDS”) respectfully submit this letter to set forth their understanding of the current schedule in light of the Court’s notice, posted in its official website, that the “United States District Court for the Southern District of New York will be closed at all locations” for the entirety of March 7, 2018, due to weather conditions.

On February 27, 2018, this Court extended BP’s time to respond to the Complaint to March 7, 2018. (Dkt. # 56.) RDS was purportedly served on February 14, 2018, and based on that date its response would ordinarily be due 21 days later, *i.e.*, March 7, 2018. *See* Fed. R. Civ. P. 12(a)(1)(A)(i). On March 2, 2018, Defendant Chevron Corporation and Plaintiff submitted an overall scheduling proposal, with a proposed order, under which the responses of BP and RDS to the Complaint would be deferred until after the Court’s ruling on the U.S.-based Defendants’ pending motions to dismiss under Rules 12(b)(1) and 12(b)(6). (Dkt. #62.) On March 6, 2018, BP, RDS, and Plaintiff submitted a stipulation and proposed order immediately extending BP’s and RDS’s time to respond to the Complaint until April 6, 2018, while this Court is reviewing the larger scheduling proposal submitted by Chevron and Plaintiff on March 2. In accordance with Section 18.1 of this Court’s Electronic Case Filing Rules and Instructions, this stipulation and proposed order were submitted by email to the Clerk’s Office and were not filed in the ECF system.

Arnold & Porter

Honorable John F. Keenan
March 7, 2018
Page 2

In view of this Court's complete closure on March 7, 2018, the Clerk's Office is inaccessible and the Court is unable to act on the stipulation and proposed order submitted last evening concerning the filing of BP's and RDS's responses to the Complaint. In light of the Clerk's Office inaccessibility and the Court's resulting inability to act on the parties' stipulation and proposed order, the rules automatically extend the current deadline for BP's and RDS's responses to the Complaint until "the first accessible day that is not a Saturday, Sunday, or legal holiday" (which presumably will be March 8, 2018). Fed. R. Civ. P. 6(a)(3)(A). Moreover, because the parties' scheduling proposals were submitted before the previous March 7, 2018 due date, the Court retains full authority, pursuant to Fed. R. Civ. P. 6(b)(1)(A), thereafter to approve either or both of those proposals, and thereby to extend BP's and RDS's deadlines for responding to the Complaint.

In submitting this letter, BP and RDS do not intend to waive any defenses, including personal jurisdiction defenses, but, rather, reserve all rights and defenses.

Respectfully submitted,

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¹ BP and RDS use electronic signatures with consent in accordance with Rule 8.5(b) of the Court's ECF Rules and Instructions.